

01-07-04

RCG
2800

Atty. Dkt. No. 081445-0112

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John E. Seem

Title: A METHOD OF
INTELLIGENT DATA
ANALYSIS TO DETECT
ABNORMAL USE OF
UTILITIES IN BUILDINGS

Appl. No.: 09/910,371

Appl. Filing Date: 07/20/2001

Examiner: Jeffrey R. West

Art Unit: 2857

| CERTIFICATE OF EXPRESS MAILING | |
|--|--------------------------------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450. | |
| EL978985404US (Express Mail Label Number) | January 6, 2004 (Date of Deposit) |
| Jeanne M. Johnson (Printed Name) | |
| <i>Jeanne M. Johnson</i> (Signature) | |

REQUEST FOR CONTINUED EXAMINATION (RCE)
TRANSMITTAL

Mail Stop RCE
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. §141, or the commencement of a civil action under 35 U.S.C. §145 or §146 (unless the appeal or civil action is terminated).

1. **Submission required** under 37 C.F.R. §1.114: (check items that apply)

a. Previously submitted:

[] Please enter and consider the amendment/reply previously filed on ____.

01/08/2004 MAHME1 00000090 09910371

01 FC:1801

770.00 OP

RECEIVED
JAN -9 2004
TC 2800 MAIL ROOM

☐ Please consider the Affidavit(s)/Declaration(s) previously filed on ___ but not considered.

☐ Please consider the arguments in the Appeal Brief or Reply Brief under 37 C.F.R. § 1.116 previously filed on ___.

☐ Other ___.

b. Enclosed are:

☒ Preliminary Amendment/Reply.

☐ Affidavit(s)/Declaration(s).

☐ Information Disclosure Statement.

☐ Form PTO-1449 with copies of ___ listed reference(s).

☐ Other .

Miscellaneous:

☐ Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of ___ months.

The filing fee is calculated below:

| | Claims as Amended | Previously Paid For | Extra Claims Present | Rate | Fee Totals |
|--|-------------------|---------------------|----------------------|------------|------------|
| RCE Fee 1.17(e): | | | | \$770.00 | = \$770.00 |
| Total Claims: | 17 | - 20 | = 0 | x \$18.00 | = \$0.00 |
| Independents | 2 | - 3 | = 0 | x \$86.00 | = \$0.00 |
| First presentation of any Multiple Dependent Claims: | | | | + \$290.00 | = \$0.00 |
| CLAIMS FEE TOTAL: | | | | | = \$770.00 |

☐ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

| | | | | |
|--------------------------|---|------------|---|----------|
| <input type="checkbox"/> | Extension for response filed within the first month: | \$110.00 | 0 | \$0.00 |
| <input type="checkbox"/> | Extension for response filed within the second month: | \$420.00 | | \$0.00 |
| <input type="checkbox"/> | Extension for response filed within the third month: | \$950.00 | | \$0.00 |
| <input type="checkbox"/> | Extension for response filed within the fourth month: | \$1,480.00 | | \$0.00 |
| <input type="checkbox"/> | Extension for response filed within the fifth month: | \$2,010.00 | | \$0.00 |
| | EXTENSION FEE SUBTOTAL: | | | \$0.00 |
| | EXTENSION FEE ALREADY PAID: | - | | \$0.00 |
| | EXTENSION FEE TOTAL | | | \$0.00 |
| | CLAIMS AND EXTENSION FEE TOTAL: | | | \$770.00 |
| <input type="checkbox"/> | Small Entity Fees Apply (subtract ½ of above): | | | \$0.00 |
| <input type="checkbox"/> | Suspension of action requested under 37 C.F.R. § 1.103(c) | | | \$0.00 |
| | TOTAL FEE: | | | \$770.00 |

☐ Please charge Deposit Account No. 06-1447 in the amount of \$770.00. A duplicate copy of this transmittal is enclosed.

☒ A check in the amount of \$770.00 to cover the filing fee is enclosed.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date January 6, 2004

By David J. Bates

FOLEY & LARDNER

Customer Number: 26371

Telephone: (414) 297-5760

Facsimile: (414) 297-4900

David J. Bates

Attorney for Applicant

Registration No. 39,902



Atty. Dkt. No. 081445-0112

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John E. Seem

Title: A METHOD OF INTELLIGENT
DATA ANALYSIS TO DETECT
ABNORMAL USE OF UTILITIES
IN BUILDINGS

Appl. No.: 09/910,371

Filing Date: 07/20/2001

Examiner: Jeffrey R. West

Art Unit: 2857

| | |
|--|-------------------|
| CERTIFICATE OF EXPRESS MAILING | |
| I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450. | |
| EL978985404US | January 6, 2004 |
| (Express Mail Label Number) | (Date of Deposit) |
| Jeanne M. Johnson | |
| (Printed Name) | |
| <i>Jeanne M. Johnson</i> | |
| (Signature) | |

PRELIMINARY AMENDMENT

Mail Stop RCE
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

This communication is responsive to the Final Office Action dated October 6, 2003, and the telephone interview held with Examiner J. West and Supervisory Patent Examiner M. Hoff on January 6, 2004, concerning the above-referenced patent application.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this document.

Remarks/Arguments begin on page 7 of this document.

Please amend the application as follows:

RECEIVED
JAN -9 2004
TC 2800 MAIL ROOM